

other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the carcass or part thereof.

Game Management Unit or GMU means one of the 26 geographical areas listed under game management units in the codified hunting and trapping regulations and the Game Unit Maps of Alaska.

Person means an individual and does not include a corporation, company, partnership, firm, association, organization, business, trust or society.

Public lands or public land means lands situated in Alaska which are Federal lands, except—

(1) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

Regional Councils or Regional Council means the Regional Advisory Councils as described in §242.11.

Regulatory year means July 1 through June 30.

Resident means any person who has his or her primary, permanent home within Alaska and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to: The address listed on an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; affidavit of person or persons who know the individual; voter registration; location of residences owned, rented or leased; location of stored household goods; residence of spouse, minor children or dependents; tax documents; or whether the person claims

residence in another location for any purpose.

Rural means any community or area of Alaska determined by the Board to qualify as such under the process described in §242.15 of this part.

Secretary means the Secretary of the Interior, except that in reference to matters related to any unit of the National Forest System, such term means the Secretary of Agriculture.

State means the State of Alaska.

Subsistence uses means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

Take or taking as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Year means calendar year unless another year is specified.

§242.5 Eligibility for subsistence use.

(a) The taking of fish and wildlife on public lands for subsistence uses is restricted to Alaskans who are residents of rural areas or communities. Other individuals, including Alaskans who are residents of non-rural areas or communities listed in §242.23, are prohibited from taking fish and wildlife on public lands for subsistence uses under these regulations.

(b) Where the Board has made a customary and traditional use determination regarding subsistence use of a specific fish stock or wildlife population, in accordance with, and as listed in, §242.24, only those Alaskans who are residents of rural areas or communities so designated are eligible for subsistence taking of that population, on public lands for subsistence uses, under these regulations. All other individuals are prohibited from taking fish or wildlife from that population under these regulations.

(c) Where customary and traditional use determinations for a fish stock or

wildlife population within a specific area have not yet been made by the Board (e.g. “no determination”), all Alaskans who are residents of rural areas or communities are eligible to participate in subsistence taking of that stock or population under these regulations.

(d) This section does not limit the authority of the National Park Service to regulate further the eligibility of those individuals qualified to engage in subsistence uses on National Park Service lands in accordance with specific authority in ANILCA, and National Park Service regulations at 36 CFR part 13.

§ 242.6 Licenses, permits, harvest tickets, tags, and reports.

(a) To take fish and wildlife on public lands for subsistence uses, subsistence users must possess and comply with the provisions of any pertinent permits, harvest tickets, or tags required by the State, or Federal permits, harvest tickets, or tags as required by the Board; and must possess the pertinent valid State hunting, fishing, and trapping licenses unless Federal licenses are required or unless otherwise provided for in these regulations.

(b) To make a fraudulent application for Federal or State licenses, permits, harvest tickets or tags is prohibited.

(c) Harvest tickets, tags, permits, or other required documents must be validated before removing the kill from the harvest site.

(d) Persons engaged in taking fish and wildlife under these regulations must comply with all reporting provisions which the Board may require.

(e) Licenses, permits, harvest tickets, tags or other documents required by this section must be produced by individuals upon the request of a State or Federal law enforcement agent. Persons engaged in taking fish and wildlife under these regulations must allow State or Federal law enforcement agents to inspect any apparatus designed to be used, or capable of being used to take fish or wildlife, or any fish or wildlife in possession.

(f) The Board may implement harvest reporting systems or permit systems where:

(1) The fish and wildlife is taken by an individual who is required to obtain and possess pertinent State harvest permits, tickets, or tags, or Federal permits, harvest tickets, or tags;

(2) A qualified subsistence user may designate another qualified subsistence user to take fish and wildlife on his or her behalf; or

(3) The fish and wildlife is taken by individuals or community representatives permitted a one-time or annual harvest for special purposes including ceremonies and potlatches;

(4) The fish and wildlife is taken by representatives of a community permitted to do so in a manner consistent with the community’s customary and traditional practices.

(g) When the taking of fish and wildlife is in accordance with § 242.6, the permittee must comply with all of the reporting requirements of the permit. Individuals designated on a permit to take fish and wildlife are required to have that permit in their possession during the taking and to comply with all requirements of the permit, regulations in subpart A § 242.6 pertaining to validation and reporting, and to regulations in subpart D pertaining to methods and means, possession and transportation, and utilization.

(h) When a community takes fish and wildlife in accordance with § 242.6(f) (3) and (4), the harvest activity must be reported in accordance with regulations specified for that community in subpart D, and as required by any applicable permit conditions. Individuals may be responsible for particular reporting requirements in the conditions permitting a specific community’s harvest. Failure to comply with these conditions is a violation of these regulations. Community harvests are reviewed annually under subpart D regulations.

§ 242.7 Restriction on use.

(a) When fish and wildlife are taken pursuant to these regulations, trade of the fish and wildlife, other than for customary trade or barter, is prohibited.

(b) When fish and wildlife are taken pursuant to these regulations, use or trade of the fish and wildlife which